



A
DAC
SW
C

Docket No.: 50212-270

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Yoshi NISHIBAYASHI, et al. : Confirmation Number: 6906
Serial No.: 09/942,101 : Group Art Unit: 2879
Filed: August 30, 2001 : Examiner: Williams, Joseph L.
For: METHOD OF MANUFACTURING ELECTRON-EMITTING ELEMENT AND
ELECTRONIC DEVICE

PETITION TO REVIVE UNDER 37 CFR 1.137(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have become aware that the above-identified application became abandoned for failure to file a timely and proper reply to the final Office Action dated December 11, 2003. An Amendment under 37 C.F.R. § 1.116 was previously submitted on April 8, 2004, however, the Advisory Action dated July 13, 2004 denied entry of the Amendment under 37 C.F.R. § 1.116. Applicants note that the Advisory Action was issued more than three months after the filing of the Amendment under 37 C.F.R. § 1.116. The entire period of delay in filing a proper reply from the due date for the reply to the filing of this Petition was unintentional. Applicants petition for revival of the above-identified unintentionally abandoned application.

Attached also is a courtesy copy of the response to the final Office Action dated December 11, 2003, along with authorization to charge any necessary extension fees. A Request for Continued Examination (RCE) is filed concurrently herewith which requests entry and

consideration of the Amendment under 37 C.F.R. § 1.116, previously submitted on April 8, 2004.

The U.S. Patent and Trademark Office is hereby authorized to charge our Deposit Account 500417 the amount of \$1,330.00, which is the fee for revival of an unintentionally abandoned application.

Revival of the application, entry of the RCE and Amendment filed April 8, 2004, and consideration on the merits are respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



Brian K. Seidleck
Registration No. 51,321

600 13th Street, N.W.
Washington, DC 20005-3096
202.756.8000 BKS:apr
Facsimile: 202.756.8087
Date: August 11, 2004